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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM BRIAN MARSAN,

Defendant.

No. 3:24-cr-00071-SLG-MMS

COUNT 1:

OPERATING AIRCRAFT WITHOUT
AIRMAN CERTIFICATE

Vio. of 49 U.S.C. § 46306(b)(7)

COUNT 2:

OPERATING UNREGISTERED
AIRCRAFT

Vio. of 49 U.S.C. § 46306(b)(6)(A)

COUNT 3:

OPERATING AIRCRAFT DISPLAYING
FALSE REGISTRATION MARK

Vio. of 49 U.S.C. § 46306(b)(3)

CRIMINAL FORFEITURE

ALLEGATION:

49 U.S.C. § 46306(d)(1), (2)(B)&(D), 28
U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2

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INDICTMENT

The Grand Jury charges that:

INTRODUCTORY ALLEGATIONS

1. From a date unknown to the Grand Jury until on or about January 22, 2024, Defendant WILLIAM BRIAN MARSAN (the Defendant) held an Airman Certificate as an Airline Transport Pilot, certificate number 3130058, issued by the Federal Aviation Administration (FAA).

2. From a date unknown to the Grand Jury until the date of this Indictment, Defendant WILLIAM BRIAN MARSAN was the owner of Piper Cherokee aircraft Model PA 32R-300, serial number 004843, FAA aircraft registration number N40449 (the Aircraft).

3. On or about December 12, 2019, the Defendant obtained a second-class medical certificate. As a commercial pilot, he was required to renew the certificate by December 31, 2020, but failed to do so. As a private pilot, he was required to renew a third-class medical certificate on or before December 31, 2021, but failed to do so. Therefore, at all times relevant to this Indictment, the Defendant did not have a valid medical certificate.

4. On or about June 13, 2022, the Defendant submitted a document to the FAA requesting that the registration of the Aircraft be cancelled. Thereafter, at all times relevant to this Indictment, the Aircraft was not registered.

5. On or about June 9, 2023, the FAA received a report that the Defendant, as pilot in command of the Aircraft, had failed to radio his intention to take off from the Warren “Bud” Woods Palmer Municipal Airport in Palmer, Alaska (the Airport); and

operated the Aircraft against the flow of landing traffic, resulting in a near mid-air collision with another aircraft that was attempting to land at the Airport.

6. On or about July 19, 2023, an FAA Aviation Safety Inspector observed the Defendant land the Aircraft at the Palmer Airport. The Inspector observed that the aircraft was filled with empty 30-gallon fuel barrels. The Inspector contacted the Defendant regarding the June 9 near mid-air collision report.

7. The Inspector identified himself, displayed his credentials, and asked to see the Defendant's pilot certificate and medical certificate, as well as the registration and airworthiness certificates for the Aircraft. The Defendant refused, stating that he was a "free citizen" and did not need a pilot or medical certificate, and adding that his aircraft had been deregistered.

8. On or about July 28, 2023, two FAA Inspectors observed the Aircraft and the Defendant at the Willow Airport. They noted that the N on the identification number was obscured by stickers. One sticker had the appearance of a flag described as bearing a rectangle containing blue stars on a white background with the remaining portion of that flag having red and white stripes aligned vertically. The other sticker is a rectangle that is bisected diagonally with the top half being black in color with a white "Z," the lower half is white with a black "Z."

9. On or about July 30, 2023, the Defendant submitted a letter to the FAA, asserting that he was not required to register the Aircraft or possess a valid pilot's license or medical certificate.

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10. On or about January 22, 2024, the FAA issued an Emergency Order of Revocation (EOR) of the Defendant's Airline Transport Pilot Certificate based on the above-described conduct, including the June 9, 2023, near mid-air collision at the Airport, the subsequent refusal to present a valid pilot certificate or medical certificate to FAA inspectors on July 19, 2023, and his operation of the Aircraft without a valid medical certificate or proper aircraft registration.

11. The EOR alleged that the Defendant had operated the Aircraft in a manner that was "careless or reckless so as to endanger the life or property of another." The Defendant was advised that his pilot certificate was immediately revoked, that he must immediately surrender it, and that no new application for a pilot certificate would be accepted for one year. The Defendant was advised that he had ten days to appeal the EOR.

12. The Defendant failed to appeal the EOR or surrender his certificate. Nevertheless, the Defendant has continued to operate the Aircraft without registration, with an obscured identification number, and without a valid pilot certificate through the date of this Indictment.

COUNT 1

13. Paragraphs 1-12 of this Indictment are hereby incorporated by reference as if fully restated herein.

14. Beginning at least on or about January 22, 2024, and continuing until the date of this Indictment, within the District of Alaska, the defendant, WILLIAM BRIAN MARSAN, did knowingly and willfully serve and attempt to serve in any capacity as an airman without an airman's certificate authorizing the Defendant to serve in that capacity.

All of which is in violation of 49 U.S.C. § 46306(b)(7).

COUNT 2

15. Paragraphs 1-12 of this Indictment are hereby incorporated by reference as if fully restated herein.

16. Beginning at least on or about June 9, 2023, and continuing until the date of this Indictment, within the District of Alaska, the defendant, WILLIAM BRIAN MARSAN, did knowingly and willfully operate an aircraft eligible for registration knowing that the aircraft was not registered.

All of which is in violation of 49 U.S.C. § 46306(b)(6)(A).

COUNT 3

17. Paragraphs 1-12 of this Indictment are hereby incorporated by reference as if fully restated herein.

18. Beginning at least on or about June 9, 2023, and continuing until the date of this Indictment, within the District of Alaska, the defendant, WILLIAM BRIAN MARSAN, did knowingly and willfully display and cause to be displayed on an aircraft a mark that is false and misleading about the nationality and registration of the aircraft.

All of which is in violation of 49 U.S.C. § 46306(b)(3).

CRIMINAL FORFEITURE ALLEGATION

The Grand Jury realleges and incorporates the allegations of Counts 1 through 3 of this Indictment, which are incorporated by reference as though fully set forth herein.

Pursuant to 49 U.S.C. § 46306(d), upon conviction of the offenses under 49 U.S.C. § 46306(b)(7), (b)(6)(A), and (b)(3), the defendant, WILLIAM BRIAN

MARSAN, shall forfeit to the United States of America any aircraft whose use is related to the violations, or to aid or facilitate the violations, including the following aircraft:

- Piper Cherokee aircraft Model PA 32R-300, serial number 004843, FAA aircraft registration number N40449.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of said defendant(s) up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

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All in accordance with to 49 U.S.C. § 46306(d), 21 U.S.C. § 853,
28 U.S.C. § 2461(c); and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Thomas C. Bradley
THOMAS C. BRADLEY
Assistant U.S. Attorney
United States of America

s/ S. Lane Tucker
S. LANE TUCKER
United States Attorney
United States of America

DATE: July 16, 2024